REMARKS/ARGUMENTS

In the Office action, restriction to one of the following inventions is required under 35 USC § 121:

I. Claims 1-17 are drawn to a braze material, classified in class 148, subclass various.

II. Claims 18-44 are drawn to a method of brazing, classified in class 228, subclass 245.

According to the office action, within Group II, the following species existed:

IIa. Claims 20-21 drawn to a particular PM ratio
IIb. Claims 22, 23, and 29 drawn to a particular M
IIc. Claims 25-28 and 30-44 drawn to a particular Cu + PM
IId Claim 24 drawn to a particular a,b,c ratio.

Election/Restrictions

On September 15, 2005, in a telephone conference, the examiner advised applicant's representative that in Group II claims 18 and 19 were generic. It was noted that the office action only indicated that claim 19 was generic.

Applicants hereby elect with traverse to prosecute the invention of Group II, and species IId - claims 18, 19, and 24 - without prejudice to further prosecution of the remaining claims.

MPEP 806.04(b) provides:

Species, while usually independent, may be related under the particular disclosure. Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 - § 806.05(i). If restriction is improper under either practice, it should not be required.

Here, the species under Group II are related. This is evidenced by, for example, paragraphs [022] and [050] of the specification. In this instance, the office action has not established that restriction is proper under "both . . . practices" of MPEP 806.04(b). Applicants therefore submit that the restriction is improper.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

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on 9/20/05

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